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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,287	06/08/2001	Brian R. Gruttadauria	JW-EMC-008	9693

7590 06/08/2004

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EXAMINER
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KHATRI, ANIL

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 06/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/877,287

Applicant(s)

GRUTTADAURIA ET AL.

Examiner

Anil Khatri

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Common Information Model (CMI) and Windows Management Interface (WMI) Translator in Client Server Environment".

The abstract of the disclosure is objected to because it contains abbreviations therefore, they should be spelled out. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by *Bowman-Amuah* USPN 6,601,234.

Regarding claims 1, 10, 19 and 28

*Bowman-Amuah teaches,*

- means for receiving first information in accordance with said first protocol from said client (see figures 17 and 18),
- means operatively coupled to said receiving means, for determining that said first protocol is acceptable to allow further processing of said first information in said system (figures 20-22; column 84, lines 12-24, “underlying protocols.. over the network”);
- means responsive to operation of said determining means, for translating said first information into second information compatible with said second protocol (figure 77, column 84, lines 26-36, “the message transport... connection failure”);
- object manager means operative in accordance with said second protocol (column 104, lines 18-55, “ORB service.. Java language”);
- means for forwarding said second information to said object manager means and, responsive to said object manager means managing said second information, for receiving a managed response thereto from said object manager means (column 104, lines 18-55, “ORB service.. Java language”, column 76, lines 46-67, “COM is a client server... object computing”);

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- means for reverse-translating said managed response into an equivalent response compatible with said first protocol( column 56, lines 55-50, “communication middleware.. products”); and,
- means for forwarding said equivalent response to said client (column 56, lines 61-67, “are additional.. middleware rather than..”).

Regarding claims 2, 3, 6, 11, 12, 15, 20, 21, 24, 29, 30 and 33

*Bowman-Amuah teaches,*

- first protocol is CIM/XML/HTTP (column 40, line 58, column 41, 42, several columns, column 174, lines 12-16, “ the environment should... smaller objects”).

Regarding claims 4, 9, 13, 18, 22, 27, 31 and 36

*Bowman-Amuah teaches,*

- means for establishing a plurality of acceptable protocols (see figures 17, 18),;
- means for comparing said first protocol against plurality of acceptable protocols seriatim until first protocol matches one of plurality of protocols (see figure 77, column 42, lines 55-58); and,
- means responsive to operation of comparing means for allowing further processing (column 52, lines, 5-10, “SQL gateway... gateway functions”).

Regarding claims 5, 19, 23 and 32

*Bowman-Amuah teaches,*

- the result of operation of comparing means not obtaining a match is that further processing is not allowed (figures 180-195, column 82, lines 13-29, “authentication service... other customer”).

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Regarding claims 7, 8, 16, 17, 25, 26, 34 and 35

*Bowman-Amuah teaches,*

- translating means includes said reverse-translating means (figure 77, column 52, lines 4-25, “by translating... management task”, column 56, lines 57, “ data translation...”, column 84, lines 26-36, “ the message transport... connection failure”);

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPN 6742059
- USPN 6480882
- USPN 6226792
- USPN 6199195

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri, Primary Examiner whose telephone number is 703-305-0282. The examiner can normally be reached on M-F 8:30-5:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ANIL KHATE  
PRIMARY EXAMINER